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# **U.S. DEPARTMENT OF LABOR**

## **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

### **(OSHA)**

#### **OSHA'S PURPOSE**

The Occupational Safety and Health Act of 1970 (the Act) was passed by Congress ". . . *to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.*"

Under the Act, the Occupational Safety and Health Administration (OSHA) was created within the Department of Labor to:

- Encourage employers and employees to reduce workplace hazards and to implement new or improve existing safety and health programs;
- Provide for research in occupational safety and health to develop innovative ways of dealing with occupational safety and health problems;
- Establish "separate but dependent responsibilities and rights" for employers and employees for the achievement of better safety and health conditions;
- Maintain a reporting and recordkeeping system to monitor job-related injuries and illnesses;
- Establish training programs to increase the number and competence of occupational safety and health personnel;
- Develop mandatory job safety and health standards and enforce them effectively; and
- Provide for the development, analysis, evaluation and approval of state occupational safety and health programs.

While OSHA continually reviews and redefines specific standards and practices, its basic purposes remain constant. OSHA strives to implement its mandate fully and firmly with fairness to all concerned. In all its procedures, from standards development through implementation and enforcement, OSHA guarantees employers and employees the right to be fully informed, to participate actively and to appeal actions.

#### **THE ACT'S COVERAGE**

In general, coverage of the Act extends to all employers and their employees in the 50 states, the District of Columbia, Puerto Rico, and all other territories under Federal Government jurisdiction.

Coverage is provided either directly by federal OSHA or through an OSHA-approved state program (see section on OSHA-Approved State Programs).

As defined by the Act, an employer is any "person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State." Therefore, the Act applies to employers and employees in such varied fields as manufacturing, construction, longshoring, agriculture, law and medicine, charity and disaster relief, organized labor and private education. Such coverage includes religious groups to the extent that they employ workers for secular purposes.

The following are not covered under the Act:

- Self-employed persons;
- Farms at which only immediate members of the farm employer's family are employed; and
- Working conditions regulated by other federal agencies under other federal statutes.

But even when another federal agency is authorized to regulate safety and health working conditions in a particular industry, if it does not do so in specific areas, then OSHA standards apply.

## **STANDARDS**

In carrying out its duties, OSHA is responsible for promulgating legally enforceable standards. OSHA standards may require conditions, or the adoption or use of one or more practices, means, methods or processes reasonably necessary and appropriate to protect workers on the job. It is the responsibility of employers to become familiar with standards applicable to their establishments and to ensure that employees have and use personal protective equipment when required for safety.

OSHA standards cover areas including general industry, construction, shipyard employment, marine terminals, longshoring, and agriculture.

Where OSHA has not promulgated specific standards, employers are responsible for following the Act's general duty clause. The general duty clause of the Act states that each employer "shall furnish . . . a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."

States with OSHA-approved occupational safety and health programs must set standards that are at least as effective as the federal standards. Many state plan states adopt standards identical to the federal.

## **OSHA-APPROVED STATE PROGRAMS**

The Act encourages states to develop and operate, under OSHA guidance, state job safety and health plans.

Once a state plan is approved under Section 18(b) of the Act, OSHA funds up to 50 percent of the program's operating costs. State plans are required to provide standards and enforcement programs, as well as voluntary compliance activities, which are at least as effective as the federal program. State plans developed for the private sector also must, to the extent permitted by state law, provide coverage for state and local government employees. OSHA rules also permit states to develop plans limited in coverage to public sector (state and local government) employees only; in such cases, private sector employment remains under federal jurisdiction.

## **CONSULTATION ASSISTANCE**

Free on-site consultative assistance is available to employers who want help in establishing and maintaining a safe and healthful workplace.

Largely funded by OSHA, the service is provided at no cost to the employer. No penalties are proposed or citations issued for hazards identified by the consultant.

The service is provided to employers upon request with the assurance that their names and firms and any information about their workplaces will not be routinely reported to OSHA enforcement staff.

Besides helping employers identify and correct specific hazards, consultation can include assistance in developing and implementing effective workplace safety and health programs with emphasis on the prevention of worker injuries and illnesses. Such comprehensive consultation assistance includes an appraisal of all mechanical systems, physical work practices, and environmental hazards of the workplace, and all aspects of the employer's present job safety and health program. Employers may also receive training and education services, as well as limited assistance away from the worksite.

Primarily targeted for smaller employers with more hazardous operations, the consultation service is delivered by state government agencies employing professional safety consultants and health consultants. All consultation services are provided at the request of an employer.

Possible violations of OSHA standards will not be reported to OSHA enforcement staff unless the employer fails or refuses to eliminate or control worker exposure to any identified serious hazard or imminent danger situation. In such unusual circumstances, OSHA may investigate and begin enforcement action.

Additional information concerning consultation assistance, including a directory of OSHA-funded consultation projects, can be obtained by requesting OSHA publication No. 3047, *Consultation Services for the Employer*.

## **KEEPING UP TO DATE ON OSHA**

Clearly, OSHA cannot succeed in its mission without fully informed employers and employees. If you have questions about OSHA, contact your nearest OSHA office.

You are encouraged to learn all you can about OSHA, its aims, policies, programs and practices, because you are the reason for them. The more you know about OSHA, the better you can contribute to its pursuit of safe and healthful working conditions for all Americans.

# THE NEW OSHA - WORK IN PROGRESS

## FRAMEWORK

A safe workplace is central to our ability to enjoy health, security, and the opportunity to achieve the American dream. Since OSHA's inception in 1970, the agency's mission has been clear and unwavering: "... to assure as far as possible every working man and woman in the nation safe and healthful working conditions." That mission - to save lives, prevent injuries and illnesses, and to protect the health of America's workers - remains vital today.

OSHA's pride in its accomplishments is tempered by two realities. First, despite OSHA's efforts, every year more than 6,000 Americans die from workplace injuries, an estimated 50,000 people die from illnesses caused by workplace chemical exposures, and 6 million people suffer non-fatal workplace injuries. Injuries alone cost the economy more than \$110 billion a year.

Secondly, OSHA has been historically driven by numbers and rules, not by results. Business complains about its overzealous enforcement and burdensome regulations. Many people view OSHA as an agency so enmeshed in its own red tape that it has lost sight of its own mission. And too often, a "one-size-fits-all" regulatory approach has treated conscientious employers no differently from those who put workers needlessly at risk.

To this end, OSHA announced three sets of regulatory reform initiatives to enhance safety, trim paperwork, and transform OSHA:

**Building Partnerships:** OSHA will change its fundamental operating paradigm from one of command and control to one that provides employers a real choice between partnership and a traditional enforcement relationship.

**Common Sense Regulation:** OSHA will change its approach to regulations by identifying clear and sensible priorities, focusing on key building block rules, eliminating or fixing out-of-date and confusing standards, and emphasizing interaction with business and labor in the development of rules.

**Results, Not Red Tape:** OSHA will change the way it works on a day-to-day basis by focusing on the most serious hazards and the most dangerous workplaces and by insisting on results instead of red tape.

## BUILDING PARTNERSHIPS

The heart of OSHA's reform efforts is to offer businesses the choice of working with their employees to develop and enhance health and safety programs or to be subject to traditional OSHA enforcement. OSHA is seeking to modify its operations from reactively responding to complaints to proactively identifying and fixing the biggest workplace threats to health and safety. One of the first efforts began with 200 companies with the highest number of workers' compensation claims

in the state of Maine and is being replicated in OSHA area offices nationwide. OSHA evaluation shows that employers in the program have identified over 180,000 instances of hazards and have already eliminated 128,000 of them. Participating employers self-identified 14 times more hazards than OSHA could have found using its traditional strategy of physical workplace inspection - in part because OSHA's small staff could never have visited all the work sites involved. Six out of ten of the Maine employers have experienced a decrease in their lost-time injury rate.

## **COMMON SENSE REGULATION**

OSHA is developing common sense regulation by negotiating, not dictating, health and safety standards. A recent example is the consensus reached by the agency's Steel Erection Negotiated Rulemaking Advisory Committee (SENRAAC). This committee, comprised of representatives from industry, trade unions, and government, recently reached consensus on a draft proposal that will provide improved protection for all workers engaged in steel erection activities.

The hearings on OSHA's proposal for a new respiratory protection standard featured a novel interactive panel discussion requested by respirator manufacturers. The panel provided OSHA valuable information toward achieving an improved final product.

Confusing, obsolete, inconsistent and duplicative rules are being improved, updated or eliminated. Standards will be revised in partnership with industry and rewritten in plain language. As an example, the OSHA current regulation on means of egress is several paragraphs long; the proposed rewrite changes the words to "escape route" and is explained in just a few words and in plain language. In all, more than 1,000 pages will be eliminated from the Code of Federal Regulations.

## **RESULTS, NOT RED TAPE**

OSHA is significantly changing the way it does business. In the past, the agency looked at activities - such as how many inspections, how many violations, how many penalty dollars. Now instead of using the traditional strategy of protecting workers by reacting to workplace injuries and illnesses in an incidental and piecemeal manner, the redesigned OSHA area offices attempt to solve the problems. The field offices analyze the root causes of injuries and illnesses in their jurisdiction and develop appropriate responses.

Today's OSHA is focusing on results, not red tape. Redesigned field offices have already sharply reduced the time from receipt of a nonformal complaint to abatement of the hazard by using procedures as simple as phone calls and faxed copies of complaint forms.

## **INITIATIVES**

In the construction industry, which is largely comprised of small firms, OSHA is taking a new approach called "focused inspections." Construction employers who have a good safety and health program can expect an OSHA inspection to concentrate only on the four leading killers of construction workers - falls, electrocutions, trenches, or being struck by or caught in between objects. If there isn't a problem in one of these areas, the inspector moves on.

OSHA is also strengthening its partnership with the 23 states and territories operating their own OSHA-approved occupational safety and health programs. The agency is encouraging them to experiment with innovative ways to prevent injuries and illnesses.

The agency has increased its use of technology such as video cameras and laptop computers to document inspection findings and reduce paperwork. Speaking of paperwork, OSHA poster violations, a thorn in the side of many businesses, have become a thing of the past. Rather than issuing citations for not having an OSHA poster, agency inspectors now issue posters instead. This enables OSHA staff to spend more time focusing on the leading causes of injury and death in the workplace.

## **OSHA'S PRINCIPLES FOR PROTECTING AMERICA'S WORKERS**

1. OSHA's purpose is to save lives, prevent workplace injuries and illnesses, and protect the health of all America's workers. This includes efforts to protect groups of workers who are small and unorganized but who are particularly vulnerable or who face special hazards.
2. Whenever possible, OSHA will seek and expect implementation of hazard control strategies based upon primary prevention (i.e., strategies which focus on fixing the underlying causes of problems and reducing hazardous exposures at their source).
3. OSHA will initiate strategic, public-private partnerships to identify and encourage the spread of industry best practices to solve national problems.
4. Employer commitment and meaningful employee participation and involvement in safety and health are key elements in effective health and safety programs.
5. All safety and health services, resources, rules, and information must be readily accessible and understandable to employees, employers, and OSHA's staff.
6. OSHA intends to be a performance-oriented, data-driven organization that places the highest premium on real results rather than activities and processes. OSHA's programs must be judged based on their success at eliminating hazards and reducing injuries and illnesses.



**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (NIOSH)**

Part of the Centers for Disease Control and Prevention in the U.S. Department of Health and Human Services. NIOSH provides research and evaluation studies of occupational injuries and hazardous substances in the workplace. These criteria are used by OSHA for setting workplace safety standards. Operates an occupational safety and health informational bibliographic data base. NIOSH also certifies respiratory protection devices.

For further information, call 1-800-35-NIOSH or visit the NIOSH Home page on the World Wide Web at : <http://www.cdc.gov/NIOSH/homepage.html>.

# U.S. ENVIRONMENTAL PROTECTION AGENCY

The U.S. Environmental Protection Agency (EPA) was established as an independent agency in the Executive Branch in December 1970 and is responsible for executing the Federal laws protecting the environment.

The EPA was created to permit coordinated and effective governmental action on the behalf of the environment. The EPA endeavors to systematically reduce and control pollution through the appropriate integration of a variety of research, monitoring, standard setting, and enforcement activities. The EPA also coordinates and supports research and antipollution activities by State and local governments, private and public groups, individuals, and educational institutions. In total, the EPA is designed to serve as the public's advocate for a livable environment. For information, call (202) 260-7751.

The Agency administers many comprehensive environmental protection laws. Some of these laws are discussed below.

## **Clean Air Act**

42 U.S.C. 7401 *et seq.* (1970)

The Clean Air Act is the comprehensive federal law which regulates air emissions from area, stationary, and mobile sources. This law authorizes the EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. The goal of the Act was to set and achieve NAAQS in every state by 1975. This setting of maximum pollutant standards was coupled with directing the states to develop state implementation plans (SIPs) applicable to appropriate industrial sources in the state.

The Act was amended in 1977 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines. The 1990 amendments to the Clean Air Act in large part were intended to meet unaddressed or insufficiently addressed problems such as acid rain, ground level ozone, stratospheric ozone depletion, and air toxics.

## **Clean Water Act (CWA)**

33 U.S.C. 121 *et seq.* (1977)

The Clean Water Act is a 1977 amendment to the Federal Water Pollution Control Act of 1972, which set the basic structure for regulating discharges of pollutants to waters of the United States. This law gave EPA the authority to set effluent standards on an industry-by-industry basis (technology-based) and continued the requirements to set water quality standards for all contaminants in surface waters. The CWA makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained under the Act. A point source is a stationary location or a fixed facility such as an industry or municipality that discharges pollutants into surface water through pipes, ditches, lagoons, or wells; a single identifiable source such as a ship or a mine. The 1977 amendments focused on toxic pollutants. In 1987, the

CWA was reauthorized and again focused on toxic substances, authorized citizen suit provisions, and funded sewage treatment plants under the Construction Grants Program.

The CWA provides for the delegation by EPA of many permitting, administrative, and enforcement aspects of the law to state governments. In states with the authority to implement CWA programs, EPA still retains oversight responsibilities.

### **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund)**

42 U.S.C. 9601 *et seq.* (1980)

CERCLA (pronounced SERK-la) provides a federal “Superfund” to clean up uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through the Act, EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed.

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies.

### **Emergency Planning & Community Right-to-Know Act (EPCRA)**

42 U.S.C. 11011 *et seq.* (1986)

Also known as Title III of SARA, EPCRA was enacted by Congress as the national legislation on community safety. This law was designed to help local communities protect public health, safety, and the environment from chemical hazards.

To implement EPCRA, Congress required each state to appoint a State Emergency Response Commission (SERC). The SERCs were required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee for each district. Broad representation by fire fighters, health officials, government and media representatives, community groups, industrial facilities, and emergency managers ensures that all necessary elements of the planning process are represented.

### **Resource Conservation and Recovery Act (RCRA)**

42 U.S.C. 321 *et seq.* (1976)

RCRA (pronounced “rick-rah”) gave EPA the authority to control hazardous waste from “cradle-to-grave.” This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes.

The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground storage tanks storing petroleum and other hazardous substances. RCRA focuses only on active and future facilities and does not address abandoned or historical sites (see CERCLA).

**Superfund Amendments and Reauthorization Act (SARA)**

42 U.S.C. 9601 *et seq.* (1986)

The Superfund Amendments and Reauthorization Act of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions, clarifications, and technical requirements were added to the legislation, including additional enforcement authorities.

Title III of SARA also authorized the Emergency Planning and Community Right-to-Know Act (EPCRA).

**Toxic Substances Control Act (TSCA)**

15 U.S.C. 2601 *et seq.* (1976)

The Toxic Substances Control Act of 1976 was enacted by Congress to test, regulate, and screen all chemicals produced or imported into the U.S. Many thousands of chemicals and their compounds are developed each year with unknown toxic or dangerous characteristics. To prevent tragic consequences, TSCA requires that any chemical that reaches the consumer market place be tested for possible toxic effects prior to commercial manufacture.

Any existing chemical that poses health and environmental hazards is tracked and reported under TSCA. Procedures also are authorized for corrective action under TSCA in cases of cleanup of toxic materials contamination. TSCA supplements other federal statutes, including the Clean Air Act and the Toxic Release Inventory under EPCRA.

# **U.S. DEPARTMENT OF TRANSPORTATION**

## **RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION**

Within the U.S. Department of Transportation (DOT), the Research and Special Programs Administration (RSPA) is responsible for coordinating a national safety program for transportation of hazardous materials by air, rail, highway, and water. Included in this program is responsibility for developing and issuing the Hazardous Materials Regulations which are contained in Title 49, *Code of Federal Regulations*. The Hazardous Materials Regulations cover hazardous materials definitions and classifications, shipper and carrier operations, and packaging and container specifications.

## **INSPECTION AND ENFORCEMENT**

The Office of Hazardous Materials Enforcement (OHME) coordinates the Department's policies on hazardous materials enforcement. The primary focus of the OHME inspection and enforcement program is hazardous materials packaging in all its forms and related retesting and reconditioning activities. Shipments of hazardous materials are inspected for compliance with classification, description, marking, labeling and packaging requirements. The OHME provides assistance to, and conducts joint inspections with state enforcement personnel and other Federal agencies. To further this coordination effort, the OHME has four regional offices and a headquarters unit in Washington, DC.

## **PUBLICATIONS AND TRAINING**

To promote compliance with hazardous materials regulations, the Office of Hazardous Materials Initiatives and Training distributes training and information guides to private sector and government personnel. Brochures, charts, publications, training materials, videotapes and other safety-related information are available to the public.

Hazardous materials training is provided to Federal, state and local enforcement agencies, industry, and emergency response personnel. The major focus is on hazardous materials compliance, enforcement, and emergency response. Classroom training is provided by the staff of the Transportation Safety Institute, Oklahoma City, Oklahoma, and at selected sites throughout the country. New emphasis is being placed on PC-based self-study programs through a CD-ROM modular training series.

## **INFORMATION ANALYSIS AND PLANNING**

The Office of Hazardous Materials Planning and Analysis operates the Hazardous Materials Information System (HMIS), a computerized national database, containing comprehensive information on hazardous materials incident reports and other hazardous materials safety-related information. Access to major areas of the system is provided FREE to government agencies and the public through user-friendly, menu-driven programs. For HMIS information, call (202) 366-4484.

## **TECHNICAL SUPPORT**

The Office of Hazardous Materials Technology (OHMT) provides science and engineering support for development, modification, and interpretation of hazardous materials regulations both domestic and international. The OHMT also provides technical support for exemptions, approvals, training, emergency response, and enforcement activities.

## **HAZARDOUS MATERIALS INFORMATION EXCHANGE (HMIX)**

The HMIX, managed as a joint project with the Federal Emergency Management Agency (FEMA), is a FREE interactive electronic bulletin board which is available 24 hours a day. This electronic bulletin board offers topics on training courses, coming events, public and private sector hazmat information, regulations, interpretations and other safety-related information. The public is encouraged to take advantage of this FREE service and to contribute useful information to this two-way communication system.

Access HMIX on Internet: [hmix.dis.anl.gov](http://hmix.dis.anl.gov)

Toll-free assistance is 1-800-PLANFOR, and in Illinois, 1-800-367-9592.

## **EMERGENCY RESPONSE GUIDEBOOK (ERG)**

The DOT Emergency Response Guidebook addresses all hazardous materials regulated by DOT along with suggested initial response actions to be taken in the event of an incident (spill, explosion, fire, etc.) involving hazardous materials. Updated every three years, the ERG is available to first responders - police, fire and other emergency response personnel.

# **WORKERS' COMPENSATION**

## **INTRODUCTION**

Workers' compensation insurance in the United States originated as a turn of the century reform of the insurance system designed to maximize benefits to workers while minimizing administrative and litigation costs. The essence of the workers' compensation system is that the employer must compensate the worker for all work related injuries and illnesses regardless of fault. The compensation the worker can receive is limited by statute, and the worker cannot sue in court for further damages.

## **BASIC PRINCIPLES**

One of the things that makes it difficult to generalize about workers' compensation is that it is a state-based system. For almost any possible statement one can make, one can find a state that does things differently. As a result, most generalizations about workers' compensation have exceptions.

However, the key elements that are common to almost all states are:

- All work-related injuries and illnesses must be compensated, regardless of fault.
- Compensation is limited to
  - Medical Costs
  - Indemnity Payments, which can take the form of: temporary disability payments (a substantial portion of lost wages for time away from work prior to the worker's recovery or a diagnosis that the worker will not fully recover) or permanent partial (or total) disability payments (payments for long term loss of income earning potential due to permanent disability)
  - Defined Death Benefits
- Some of the major limitations of workers' compensation are that the system does not allow payments for pain and suffering nor may workers receive punitive damages from their employers
- Workers' compensation is not required in three states (New Jersey, Texas, and South Carolina). Even in those three states, it is provided by most employers.
- Since it is a state-based system, rules will vary from state to state.

## **COSTS OF WORKERS' COMPENSATION**

In 1992, workers' compensation as a whole cost the nation over 60 billion dollars. The costs of workers' compensation have risen steadily through the years. Both the number of claims and the average costs per claim have increased. The costs of both the medical and disability components of

workers' compensation have increased at rates far greater than inflation. This rapid rate of increase has caused many states to focus on ways of reforming the system, including ways to provide greater incentives for employers to reduce accidents and injuries.

## **ECONOMIC INCENTIVES**

All firms suffer from the high cost of workers' compensation and are better off if the injury and illness rates, as a whole, fall. There are also indirect and hidden costs associated with injuries and illnesses.

Some insurers may quote premiums below the prescribed rates for small firms. Such bargain policies will tend to go to firms with good experience records.

There are also other potential advantages to small firms having a good safety and health record. In states with assigned risk pools, rates are normally higher in the assigned risk pool than for firms that can obtain insurance in the voluntary market. This provides smaller firms that are not in an assigned risk pool an incentive to minimize illnesses and injuries so they will not be dropped by their insurer and dumped into the assigned risk pool. However, in some states many small firms, and virtually all new firms, are placed in the assigned risk pool in any case.

## **SUMMARY**

Workers' compensation represents a significant business expense for employers, in some cases, 20%-30% of payroll. The system, however, is critical to the economic well-being of the injured worker. There is a clear trend of increased benefits to the injured and increased cost to the employer, which are passed on to consumers, in terms of higher priced products. Only one thing is certain: workers' compensation will cost more, not less, in the future.

To a large extent, employers can influence their net costs for this coverage, positively or negatively, through their own efforts. There are sufficient cost incentives in the system to motivate management positively in that direction. The enormity of the cost and the means of controlling these costs must be understood, accepted, and applied. When health and safety is a high priority with management, they, their employees, and the public realize the direct benefits.



# **U.S. Department of Labor Occupational Safety and Health Administration (OSHA)**

- Created within the U.S. Department of Labor to oversee administration of the OSHAct
- Develops and enforces mandatory job safety and health standards
- Establishes training programs in occupational safety and health (OS&H)
- Maintains a reporting and recordkeeping system to monitor job-related injuries and illnesses

# Occupational Safety and Health Act of 1970

- Purpose: “. . . to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.”
- Coverage extends to all employers and their employees in the 50 states, District of Columbia, Puerto Rico, and all other territories under Federal Government jurisdiction
- Coverage provided either directly by federal OSHA or through an OSHA-approved state program

## **OSHA Standards**

- OSHA is responsible for promulgating legally enforceable safety and health standards to protect workers on the job
- Employers are responsible for becoming familiar with standards applicable to their establishments and ensuring employees have and use personal protective equipment when required
- OSHA standards cover general industry, construction, shipyard employment, marine terminals, longshoring, and agriculture
- Where OSHA has not promulgated specific standards, employers are responsible for following the Act's general duty clause - each employer "shall furnish . . . a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees"

## **OSHA-Approved State Programs**

- The Act encourages states to develop and operate state job safety and health plans under OSHA guidance
- State plans are required to provide standards and enforcement programs which are at least as effective as the federal program
- State plans developed for the private sector also must provide coverage for state and local government employees
- States may also develop plans limited in coverage to public sector employees only

## Consultation Assistance

- Available to employers who want help in establishing and maintaining a safe and healthful workplace
- Service provided upon request at no cost to employer
- No penalties are proposed or citations issued for hazards identified by consultant
- Possible violations of OSHA standards not reported to OSHA enforcement staff unless employer fails or refuses to eliminate or control worker exposure to any identified serious hazard or imminent danger situation
- See OSHA publication No. 3047, *Consultation Services for the Employer*

## **The New OSHA Building Partnerships**

OSHA offers businesses the choice of working with their employees to develop and enhance health and safety programs or to be subject to traditional OSHA enforcement.

## **The New OSHA Common Sense Regulation**

OSHA is changing its approach to regulations by identifying clear and sensible priorities, focusing on key building block rules, eliminating or fixing out-of-date and confusing standards, and emphasizing interaction with business and labor in the development of rules.

## **The New OSHA Results, Not Red Tape**

- OSHA is changing the way it does business by focusing on the most serious hazards and the most dangerous workplaces and by insisting on results instead of red tape
- OSHA field offices will analyze the root causes of injuries and illnesses in their jurisdiction and develop appropriate responses



## **The New OSHA Initiatives**

- Focused inspections in construction industry will concentrate on the four leading killers of construction workers:
  - falls
  - electrocutions
  - trenches
  - struck by or caught in between objects
- Increased use of technology

## **National Institute for Occupational Safety and Health (NIOSH)**

- Part of the Centers for Disease Control and Prevention in the U.S. Department of Health and Human Services
- Provides research and evaluation studies of occupational injuries and hazardous substances in the workplace which are used by OSHA for setting workplace safety standards
- Operates an occupational safety and health informational bibliographic data base
- Certifies respiratory protection devices
- Call 1-800-35-NIOSH or World Wide Web at:  
<http://www.cdc.gov/NIOSH/homepage.html>

## **U.S. Environmental Protection Agency (EPA)**

- Established as an independent agency in the Executive Branch in 1970
- Responsible for executing the Federal laws protecting the environment
- For information, call (202) 260-7751

## **Clean Air Act**

- Regulates air emissions from area, stationary, and mobile sources
- Authorizes EPA to establish National Ambient Air Quality Standards to protect public health and the environment
- Addresses problems such as acid rain, ground level ozone, stratospheric ozone depletion, and air toxics

# **Clean Water Act**

- Authorizes EPA to set effluent standards on an industry-by-industry basis (technology-based)
- Requires setting water quality standards for all contaminants in surface waters
- Makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained under the Act

## **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund)**

- Provides a federal “Superfund” to clean up uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment
- Gives EPA power to seek out parties responsible for any release and assure their cooperation in the cleanup
- Authorizes EPA to recover costs for cleanup from financially viable individuals and companies

## **Emergency Planning and Community Right-to-Know Act (EPCRA)**

- Based on the premise that citizens have a right to know about chemicals in their communities
- Two main purposes:
  - Encourage planning for responses to accidents
  - Provide the public and the government with information about possible chemical hazards in communities

## **Resource Conservation and Recovery Act (RCRA)**

- Gives EPA authority to control hazardous waste from “cradle-to-grave”
- Includes the generation, transportation, treatment, storage, and disposal of hazardous waste
- Sets forth a framework for the management of non-hazardous solid wastes



## **Superfund Amendments and Reauthorization Act (SARA)**

- Reauthorized CERCLA to continue cleanup activities around the country
- Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA)

## **Toxic Substances Control Act (TSCA)**

- Enacted by Congress to test, regulate, and screen all chemicals produced or imported into the U.S.
- Requires that any chemical that reaches the consumer market place be tested for possible toxic effects prior to commercial manufacture
- Any existing chemical that poses health and environmental hazards is tracked and reported under TSCA

## **U.S. Department of Transportation (DOT)**

- The lead federal agency for developing, promulgating, and enforcing regulations for the safe transportation of hazardous materials
- DOT issues regulations that cover the designation and classification of hazardous materials, container specifications and requirements for testing, packaging, labeling, marking, placarding, handling, and shipping papers
- Regulations codified in Title 49, *Code of Federal Regulations*, (CFR)

## **Inspection and Enforcement**

- Primary focus of the inspection and enforcement program is hazardous materials packaging in all its forms and related retesting and reconditioning activities
- Shipments of hazardous materials are inspected for compliance with classification, description, marking, labeling and packaging requirements
- DOT provides assistance to, and conducts joint inspections with, state enforcement personnel and other Federal agencies

## **Publications and Training**

- DOT distributes brochures, charts, publications, training materials, videotapes and other safety-related information which are available to the public, call (202) 366-2301
- Hazardous materials training is provided to Federal, state and local enforcement agencies, industry, and emergency response personnel
- Classroom training provided at Transportation Safety Institute, Oklahoma City, Oklahoma and at selected sites throughout the country
- PC-based self-study programs on CD-ROM available, call (800) 467-4922

## **Information Analysis and Planning**

- DOT operates the Hazardous Materials Information System (HMIS), a computerized national database, containing comprehensive information on hazardous materials incident reports and other hazardous materials safety-related information
- Access to major areas of HMIS is provided FREE to government agencies and the public through user-friendly, menu-driven programs
- For information on HMIS, call (202) 366-4484

## **Technical Support**

- DOT provides technical support for interpretation of hazardous materials regulations, training, emergency response, and enforcement activities
- Call (202) 366-4545

## **Hazardous Materials Information Exchange (HMIX)**

- FREE interactive electronic bulletin board available 24 hours a day
- Topics include training courses, coming events, public and private sector hazmat information, regulations, interpretations and other safety-related information
- Access HMIX on Internet at: [hmix.dis.anl.gov](http://hmix.dis.anl.gov)
- Toll-free assistance is 1-800-PLANFOR, and in Illinois, 1-800-367-9592



# **Emergency Response Guidebook**

- Addresses all hazardous materials regulated by DOT along with suggested initial response actions to be taken in the event of an accident (spill, explosion, fire, etc.) involving hazardous materials
- Updated every three years and available to first responders - police, fire and other emergency response personnel

# **Workers' Compensation Introduction**

- Originated as a turn of the century reform of the insurance system designed to maximize benefits to workers while minimizing administrative and litigation costs
- Employer must compensate the worker for all work related injuries and illnesses regardless of fault
- Compensation is limited by statute, and the worker cannot sue in court for further damages

## **Key Elements**

- All work-related injuries and illnesses must be compensated, regardless of fault
- Compensation limited to medical costs, indemnity payments, and defined death benefits
- System does not allow payments for pain and suffering nor may workers receive punitive damages
- Required in all but three states (NJ, TX, SC) and is even provided by most employers in these three states
- Rules vary from state to state

## **Costs**

- Total costs in 1992 were over 60 billion dollars
- Costs have risen steadily through the years

## **Economic Incentives**

- All firms suffer from the high cost of workers' compensation
- There are also indirect and hidden costs associated with injuries and illnesses
- There are potential economic advantages to small firms having a good safety and health record

## Summary

- Workers' compensation represents a significant business expense for employers
- Workers' compensation costs are increasing
- Employers can influence their net costs for this coverage, positively or negatively, through their own efforts